

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEWIS DEWANE BROWN,

Plaintiff,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:22-cv-00216-JLT-SAB

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND REQUIRING PLAINTIFF TO FILE
STATUS REPORT ON SERVICE

(ECF Nos. 9, 10, 11)

Plaintiff Lewis Dewane Brown initiated this action on February 21, 2022. (ECF No. 1.) On May 16, 2022, Plaintiff requested an extension of time to complete service. (ECF No. 8.) The Court granted Plaintiff's request, ordering service be completed within 120 days (September 14, 2022). (ECF No. 8.) On September 20, 2022, the Court ordered Plaintiff to file a status report as to service. (ECF No. 9.) The status report was due by September 25, 2022, but not filed by that deadline. Accordingly, on September 27, 2022, the Court issued an order to show cause why sanctions should not issue for Plaintiff's failure to comply with Court orders. (ECF No. 10.)

Later that same day, Plaintiff filed a response to the order to show case. (ECF No. 11.) In response to the order to show cause, Plaintiff indicates he has not yet served the complaint because he was contemplating filing an amended complaint with additional causes of action but

1 was waiting to receive claim rejections from the applicable agencies; Plaintiff also indicates he
2 was waiting on response to some public records requests for information. In addition, Plaintiff's
3 counsel proffers his office lost support staff in July 2022 and counsel was involved in an
4 unexpectedly lengthy criminal trial that began on May 31, 2022, and just ended September 26,
5 2022. Plaintiff indicates no further delay will occur, and that he anticipates service will be
6 completed within three weeks, which the Court construes as a request for an extension of time to
7 complete service.

8 The Court is satisfied with this response and shall discharge the order to show cause.

9 Further, in light of the proffers of counsel, the Court will grant Plaintiff an extension to
10 complete service under Federal Rule of Civil Procedure 4(m).

11 Accordingly, IS IT HEREBY ORDERED that:

- 12 1. The September 27, 2022 order to show cause (ECF No. 10) is DISCHARGED;
- 13 2. Plaintiff's motion for an extension of time to complete service pursuant to Federal
14 Rule of Civil Procedure 4(m) is GRANTED; and
- 15 3. The deadline for Plaintiff to complete service of Defendants shall be extended to
16 **October 21, 2022.**

17 IT IS SO ORDERED.

18 Dated: **September 28, 2022**

19 
20 UNITED STATES MAGISTRATE JUDGE